

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

UNITED STATES OF AMERICA,

v.

CRIMINAL ACTION NO. 2:18-cr-00062

ANTHONY MICHAEL MOWERY

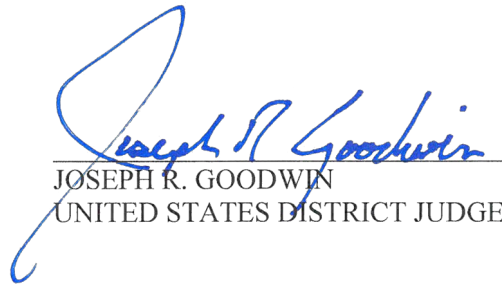
MEMORANDUM OPINION AND ORDER

Pending before the court is a pro se, letter-form motion for compassionate release, [ECF No. 38], filed by Defendant Anthony Michael Mowery. For me to reduce or modify Mr. Mowery's sentence under compassionate release, I must find that he has exhausted his administrative remedies or waited 30 days from petitioning the Warden at the facility in which he is imprisoned, has demonstrated "extraordinary and compelling reasons," and find that his release is consistent with the § 3553(a) factors. *See e.g., United States v. Howard*, No. 4:15-CR-00018-BR, 2020 WL 2200855, at *2 (E.D.N.C. May 6, 2020); U.S.S.G. § 1B1.13 (2018). In this case, Mr. Mowery states that he "applied for Compassionate Release with the warden of his facility without any results." [ECF No. 38, at 1]. However, he has failed to attach a copy of this request and its denial or even indicate when the request was made. Therefore, his Motion, [ECF No. 38], is **DENIED without prejudice**.

This ruling means that Mr. Mowery may petition the court again after making a request to the Warden *and* either exhausting his administrative remedies through the Bureau of Prison's appeal process or waiting 30 days from the Warden's receipt of his request, whichever is earlier. *See* 18 U.S.C. § 3582(c)(1)(A).

The court **DIRECTS** the Clerk to send a copy of this Order to the defendant and counsel, the United States Attorney, the United States Probation Office, and the United States Marshal.

ENTER: March 30, 2021



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE